

Exhibit A

KELLER ROHRBACK L.L.P.

November 9, 2023

The Honorable Yvonne Gonzalez Rogers, U.S. District Judge
United States District Court for the Northern District of California
Oakland Courthouse
1301 Clay Street
Oakland, CA 94612

Re: *Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*,
Case No. 4:22-md-03047-YGR

Dear Judge Gonzalez Rogers:

I am counsel for Seattle Public Schools and a number of other school districts that have sued the Social Media companies for causing a youth mental health crisis in the United States.¹ I respectfully request appointment to a leadership position as Lead, Co-Lead, or Member of the Plaintiffs' Steering Committee ("PSC") (collectively, "Leadership Position") to represent and pursue the interests of school districts in this important and impactful litigation.

Seattle Public Schools was the first school district in the country to sue the Social Media companies in this litigation. There are now over 200 school district plaintiffs in this MDL, largely echoing the same claims and allegations asserted by Seattle Public Schools. Seattle Public Schools has also served as a leader in other areas important to this litigation, including filing an amicus brief before the Supreme Court last Fall and educating the public about the importance of this litigation. While the school district actions involve many common factual questions with the personal injury cases brought by individual plaintiffs, there are important differences between the cases that require lawyers dedicated to pursuing these claims. For example, the school districts assert claims for public nuisance that are not asserted in the personal injury cases, which will require unique evidence and expert testimony, such as with respect to the harms incurred by school districts. The school districts also seek a different remedy of abatement to solve the problem caused by the social media platforms, rather than just damages for the harms. Your Honor has appointed many well qualified lawyers in this case. I believe it is important to also include counsel who exclusively represent school districts in this litigation and are solely focused on and dedicated to pursuing their interests, and I respectfully submit that I am well qualified to fulfill this role.

Throughout my career, I have been honored to represent employees, consumers, and investors, as well as federal, state and local governments in a wide variety of complex and class action cases. I have significant experience litigating against social media companies, including one of the primary defendants in this case. I was appointed Co-Lead Counsel in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, MDL 2843 (J. Chhabria) ("*Facebook Privacy*

¹ As identified in Exhibit 1, I also represent Mesa Public Schools (the largest school district in Arizona) and Salem-Keizer Public Schools (the second largest district in Oregon), both filed in this MDL. In total, my firm and I have been retained by 39 school districts to file cases against the social media Defendants here or in the parallel JCCP proceeding.

MDL”), the multidistrict litigation against Meta in this district stemming from the Cambridge Analytica scandal, in which I helped achieve an historic \$725 million settlement—the most ever paid by Meta to resolve a class action.

I also have extensive experience representing school districts and local governments in landmark public nuisance litigation. I represent dozens of local governments in states throughout the West in *In re National Prescription Opiate Litig.*, MDL 2804 (“*Opioids MDL*”) and have been actively involved in the MDL from its inception nearly seven years ago. I have served on the Expert, Law & Briefing, PBM, Manufacturing, and Distributor Committees, and led the litigation against a major opioid manufacturer, Mallinckrodt. I also represented school districts and municipalities in *In Re: Juul Labs, Inc. Marketing Sales Practices and Prods. Liab. Litig.*, MDL 2913 (“*Juul MDL*”), in which my law partner Dean Kawamoto was Co-Lead Counsel with primary responsibility for the school district and government entity cases. Together with my colleagues at Keller Rohrback, I have spent decades pursuing cases such as this one that seek redress for corporate conduct that directly impacts public health and safety. And like many of my partners, I am a parent who is all too aware of the ways in which social media affects children, a concern that is at the heart of the cases filed by the school districts.

In all cases in which I am involved, I emphasize teamwork, creative solutions, careful preparation, and civility—essential skills in a large and complex case such as this. Because of the resolution of the *Facebook Privacy MDL*, I have the time to devote myself to this litigation to the full extent necessary to serve the interests of the school districts, and I would be honored to do so.

(1) Professional Experience in This Type of Litigation, Including MDL Experience As Lead or Liaison Counsel and/or Service on Plaintiffs’ Committees.

I have significant experience in leadership roles in this type of litigation, having been appointed Co-Lead Counsel by Judge Chhabria in the *Facebook Privacy MDL*. I successfully led that case through five years of hard-fought litigation to successful resolution, overcoming significant obstacles, particularly in discovery, and resulting in advancements in privacy law. Of particular note, obtaining discovery from Meta required mastering complex terminology specific to the Facebook platform and understanding multifaceted relationships between its different systems, which required extensive research, analysis, and expert assistance. This experience has provided valuable insights on how to best organize and advance discovery in this case, among other lessons.

As noted above, I also have extensive experience representing school districts and local governments in public nuisance actions similar to this litigation. This includes my experience in the *Opioids MDL* and the *Juul MDL*, in both of which school districts and municipalities asserted public nuisance and negligence claims. In these cases, as well as many others, I have helped recover billions of dollars for school districts and local governments, and I have worked cooperatively and collegially with teams of other outstanding lawyers to develop and advance public nuisance law in order to enable government plaintiffs to hold defendants accountable for the widespread harms caused by their wrongful conduct.

I also have served as lead counsel in large-scale class actions such as the Wells Fargo unauthorized account consumer class action, *Jabbari, et al. v. Wells Fargo & Company, et al.*,

No. 3:15-cv-02159-VC (N.D. Cal.), in which my team and I achieved a \$142 million settlement requiring the bank to refund all improper fees and provide first-of-its kind credit damage reimbursement to Wells Fargo customers, among other relief. This case showcased my firm's ability to develop creative solutions for complex problems, a skill that will be essential here.

I have over three decades of experience successfully litigating complex, multi-party actions against well-funded and well-represented defendants. My significant MDL experience, leadership appointments, and service on plaintiffs' committees are set forth in my resume, which is attached as Exhibit 2.

(2) The names and contact information of Judges before whom the applicant has appeared in the matters discussed in response to No. 1 above.

In re Facebook, Inc. Consumer Privacy User Profile Litigation, MDL 2843
Jabbari, et al. v. Wells Fargo & Company, et al., No. 3:15-cv-02159-VC
Hon. Vince Chhabria, United States District Court, Northern District of California
450 Golden Gate Ave., San Francisco, CA 94102

In re National Prescription Opiate Litigation, MDL 2804
Hon. Dan Aaron Polster, United States District Court, Northern District of Ohio,
801 West Superior Ave., Cleveland, OH 44113

In Re: Juul Labs, Inc. Marketing Sales Practices and Products Liability Litigation, MDL 2913
Hon. William H. Orrick, United States District Court, Northern District of California
450 Golden Gate Ave., San Francisco, CA 94102

(3)-(6) The Ability to Commit Time and Resources and to Work Cooperatively.

This litigation will involve a long-term commitment, with work extending beyond any resolution between the parties on account of the significant injunctive and abatement relief that is sought by the school districts. If appointed by the Court, I will be in this litigation for the long haul. I am well aware of the substantial time and financial commitments required to prosecute complex litigation, and I am willing and able to commit to this process. I am not a lead or co-lead counsel for any other unresolved MDL, and I can commit significant time to serving in a Leadership Position in this litigation. Further, Keller Rohrback will commit the significant personnel and financial resources that will be necessary to prosecute this matter efficiently and effectively. My firm will also advance any costs without the use of third-party litigation funding.

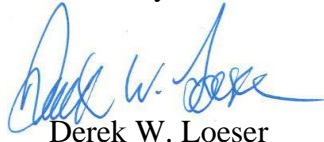
My firm and I have repeatedly demonstrated our ability to work cooperatively with other counsel to advance the interests of plaintiffs. This is one of our core values. Keller Rohrback works collaboratively with counsel in innovative ways to obtain significant results and has been repeatedly praised by courts for its ability to do so. My Keller Rohrback colleagues and I pursue cases with passion and diligence, without animosity or incivility. I have worked closely with many of the firms appointed by Your Honor in this case, in numerous other cases, including the *Juul* and *Opioids MDLs*, and I have tremendous respect for their work.

(7) Any Other Considerations that Qualify Counsel for a Leadership Position.

The *Facebook Privacy MDL* was a challenging case, and a bumpy ride. *See In re Facebook, Inc.*, 2023 WL 1871107 (Feb. 9, 2023) (“Sanctions Order”). Overcoming the obstacles presented by inappropriate defense tactics required teamwork, diligence, and the relentless pursuit of our clients’ interests. My ability to keep a case moving forward in the face of extremely challenging circumstances is an important skill that contributes to my qualifications in this case.

A final consideration is the value that my team at Keller Rohrback would bring to this litigation. We are a group of lawyers and professionals with a shared passion for public impact cases like this one. When any one of us is appointed to a leadership position, we have supporting us the Firm’s resources and talents to meet those of our opponents. We are well known for the high quality of our work and professionalism, as well as our commitment to treating colleagues on both sides of the “v” with respect. If appointed by the Court to a Leadership Position, I will serve efficiently and cooperatively—and at all times as a member of the team.

Sincerely,



Derek W. Loeser

Attachments

cc: All Counsel on ECF

Exhibit 1

EXHIBIT 1

CASES ON FILE IN *IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION*

Case No. 4:22-md-03047-YGR

SCHOOL DISTRICT CASES:

Case Caption	Member Case No.
Seattle School District No 1 v. Meta Platforms, Inc. et al	23-cv-00032
Kent School District No 415 v. Meta Platforms, Inc. et al	23-cv-00045
Mesa Public Schools v. Meta Platforms Inc. et al	23-cv-00172
School District No. 24J, Marion County, Oregon v. Meta Platforms, Inc. et al	23-cv-00369
Gervais School District 1 v. Meta Platforms, Inc. et al	23-cv-00455

Exhibit 2

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DEREK LOESER

EDUCATION

University of Washington School of Law
J.D., with honors, 1994

Middlebury College

B.A., summa cum laude, 1989, American Literature (highest department honors), Stolley-Ryan American Literature Prize, Phi Beta Kappa

HONORS & AWARDS

- Best Lawyers in America®, ERISA Litigation, Seattle, Washington, 2024
- Lawdragon, 500 Leading Plaintiff Financial Lawyers, 2023
- National Trial Lawyers, *Top 100 Civil Plaintiff Trial Lawyers in Washington*
- Listed as Lawdragon 500 Leading Lawyers in America 2018, 2022 and 2023
- Selected to Super Lawyers list in Super Lawyers Washington, 2007-2012, 2014-2023
- Named to *Top 100: Washington Super Lawyers*, 2022-2023
- AV®, Peer Review Top-Rated by Martindale-Hubbell
- Recipient of the 2010 Burton Award for Legal Achievement, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009)
- Selected to Rising Stars list in Super Lawyers Washington, 2005-2007
- U.S. Department of Justice Award for Public Service, 1996

Derek is a senior partner in Keller Rohrback's nationally recognized Complex Litigation Group and a member of the firm's Executive Committee.

Derek's passion for holding large corporations accountable for wrongdoing has helped recover billions of dollars for consumers, retirees, governments and institutions. He has served in leadership roles in major complex cases across the country. Before joining Keller Rohrback, Derek served as a law clerk for the Honorable Michael R. Hogan, U.S. District Court for the District of Oregon. He was also a trial attorney in the Civil Rights Division of the U.S. Department of Justice in Washington, D.C. where he prosecuted discrimination cases on behalf of the United States.

Derek has recently served as Co-Lead Counsel in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, the MDL litigation against Facebook stemming from the Facebook Cambridge Analytica scandal. After years of hard-fought litigation, he and the team achieved an historic \$725 million settlement, the largest amount paid to date to resolve a privacy-based class action.

In addition to his class action work, Derek helps manage the Keller Rohrback team representing state and local government entities in a number of matters involving significant public health crises. For example, Derek has led the Keller Rohrback team litigating government cases against opioid manufacturers and distributors in *The National Prescription Opioid Litigation*. In the Opioid MDL, Derek served on the Expert, Law & Briefing, Manufacturer, Distributor, and PBM Committees and has led the litigation against a major opioid manufacturer. He has also represented school districts and counties in litigation against the e-cigarette company, JUUL, for targeting and addicting youth. These cases are quintessential examples of the type of litigation Derek and the Keller Rohrback team fervently pursue: corporate fraud and malfeasance causing serious harm to the public.

Derek's other notable cases include the Wells Fargo unauthorized account consumer class action for which Derek served as Lead Counsel. In the Wells Fargo case, Derek and the Keller Rohrback team achieved a \$142 million settlement requiring the bank to refund all improper fees and provide first-of-its kind credit damage reimbursement, among other relief, to Wells Fargo customers; multi-billion dollar mortgage-backed securities cases on behalf of the Federal Home Loan Banks of Chicago, Indianapolis and Boston; ERISA class cases on behalf of employees whose retirement savings were decimated by corporate fraud and abuse on the part of Enron, WorldCom, Countrywide, and Washington Mutual, among others. He has also litigated fraud, RICO, and antitrust cases against drug manufacturers, pharmacy benefit managers, and insurance companies for conspiring to drive up the cost of life-saving medications such as insulin.

Many of Derek's cases have required coordinating with state and federal agencies involved in litigation that parallels cases pursued by Keller Rohrback, including state attorneys general, the Department of Justice, and the Department of Labor. In addition, Derek has extensive experience negotiating complex, multi-party settlements, and coordinating with the many parties and counsel necessary to accomplish this.

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KELLER ROHRBACK'S REPRESENTATIVE CASES

In Re: Juul Labs, Inc. Marketing Sales Practices & Prods. Liab. Litig., MDL No. 2913 (N.D. Cal.) (Co-Lead Counsel)

In re: National Prescription Opiate Litigation, MDL No. 2084 (N.D. Ohio) (Plaintiffs' Executive Committee)

In re: Facebook, Inc., Consumer Privacy User Profile Litigation, MDL No. 2843 (N.D. Cal.) (Co-Lead Counsel)

Jabbari v. Wells Fargo & Co., No. 15-02159 (N.D. Cal.) (Lead Counsel)

In re: Volkswagen "Clean Diesel" Litigation, MDL No. 2672 (N.D. Cal.) (Plaintiffs' Steering Committee)

In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability, MDL No. 2777 (N.D. Cal.) (Plaintiffs' Steering Committee)

In re: EpiPen (Epinephrine Injection, USP), MDL No. 2785 (D. Kan.) (Co-Lead Counsel)

Federal Home Loan Banks Mortgage-Backed Securities Litigation, e.g., Federal Home Loan Bank of Boston v. Ally Financial, Inc., No. 11-10952 (D. Mass.)

In re Enron Corp. ERISA Litig., MDL No. 1446 (S.D. Tex.) (Co-Lead Counsel)

In re: Exxon Valdez, No. 89-0095 (D. Alaska) (Trial Counsel, Steering Committee, and Court-appointed Claims Administrator)

In re WorldCom, Inc. ERISA Litig., No. 02-4816 (S.D.N.Y.) (Co-Lead Counsel)

WHO WE ARE.

Keller Rohrback's approach is straightforward: we represent clients who have been harmed by conduct that is wrong. We litigate with passion and integrity to obtain the best results possible. Every case is different, but we win for the same reason: we persuade. When you hire us, you hire smart, creative lawyers who are skilled in court and in negotiations.

Keller Rohrback attorneys earn the respect of our colleagues, courts and opponents through our deft handling of the array of complex issues our clients face. Founded in 1919, Keller Rohrback's diverse team of over 60 attorneys and about 100 staff members are based in seven offices across the country in Seattle, Missoula, New York, Oakland, Phoenix, Portland, and Santa Barbara. Over the past century, our firm has built a distinguished reputation by consistently providing top-notch representation. We offer exceptional service and a comprehensive understanding of federal and state law. We also are known for our abilities to work with co-counsel to achieve outstanding results—essential skills in large-scale cases in which several firms represent the plaintiffs. We pride ourselves on our reputation for working effectively with opposing counsel, and we are comfortable and experienced in handling high-stakes cases with state, federal, and foreign government investigations.

WHAT WE DO.

Keller Rohrback represents plaintiffs in complex cases of corporate wrongdoing. We litigate against companies that unlawfully pollute, defraud, and collude. We come from diverse backgrounds and are united by a common passion to advocate for justice. Our firm draws strength from attorneys in various practice areas for expertise in bankruptcy and restructuring, constitutional law, corporate transactions, financial institutions, insurance coverage, and intellectual property. Our firm's access to these in-house resources distinguishes Keller Rohrback from other plaintiffs' class action firms and contributes to the firm's success. We also have a history of working with legal counsel from other countries to vigorously pursue legal remedies on behalf of clients around the globe.

We have won verdicts in state and federal courts throughout the nation and have obtained judgments and settlements in excess of \$78 billion. Courts around the country have praised our work, and we are regularly appointed lead counsel in nationally prominent class action cases. Our work has far-reaching impacts for our clients in a variety of settings and industries, creating a better, more accountable society.

WHOM WE SERVE.

We represent individuals, institutions, and government agencies. The common denominators of our clients is a desire to see justice done—and to be represented by attorneys who practice law with integrity, honesty, and devotion to serving our clients' interests.